

PHARMACY EXAMINING BOARD
REGULAR MEETING
NOVEMBER 8, 2000

MEMBERS PRESENT: John Bohlman, RPH; Sue Sutter, RPH; Michael Bettiga, RPH; Dan Luce, RPH; Cynthia Benning, RPH; Georgina Forbes

MEMBER EXCUSED: Charlotte Rasmussen

LEGAL COUNSEL: William Black

STAFF PRESENT: Kimberly Nania, Karen Rude-Evans

GUESTS: Susan Kleppin and Tom Engels, PSW; Jeff Appel, Knoll Pharmaceutical Co.; Susan Hanosh, Walgreens; Jeff Langer, Osco Drug Store; Larry Edward, DOC; J. Paynter, Dean Pharmacy; David Baxter, Dana Uhler and Kelly Lentz, Students

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:07 a.m.

APPROVAL OF AGENDA

Amendments: -NABP District IV 2001 Meeting update
-Speaking engagement request from Extension Services

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 10-11, 2000

Corrections: -On page 3, under SUMMARY REPORTS..., the last sentence should be changed to, "The public hearing for the transfer rule will be held in December."
-On page 4, under SUPPORT DELINQUENCY PROGRAM, the motion should be changed to read, "...to authorize the bureau director, or, in his or her absence, the division director, or, in his or her absence, the deputy secretary..."
-On page 5, under REPORT OF CONTROLLED SUBSTANCES BOARD, change the first sentence to read, "...GBL is now a List 1 chemical federally and a Schedule I in Wisconsin." The third sentence should read, "GBL users must now request a SUA, and the CSB is exploring changing the GBL legislation to allow industrial use of GBL."

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the Minutes of October 10-11, 2000 as corrected. Motion carried unanimously.

SECRETARY CUMMINGS

The Board was very concerned about the delay in sending out the *Regulatory Digest*. Articles were completed in August, but the *Regulatory Digest* still has not been mailed. Secretary Cummings will look into this matter.

Cynthia Benning asked Secretary Cummings about re-introducing legislation to increase the number of members on the Controlled Substances Board. This would have to be re-introduced in the next session of the legislature.

PRESENTATION OF PROPOSED STIPULATIONS

JEFFREY C VERZAL, RPH

DOE Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Jeffrey C. Verzal, RPH. This matter will be deliberated on in closed session.

DOUGLAS A PINNOW, RPH

DOE Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Douglas A. Pinnow, RPH. This matter will be deliberated on in closed session.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

PROPOSED RULES RELATING TO CENTRAL FILL PHARMACIES – CHAPTER PHAR 7 – PHARMACY PRACTICE

William Black reviewed the draft language with the Board. Michael Bettiga will continue to work with Mr. Black to further develop the language.

PROPOSED RULES RELATING TO MINIMUM EQUIPMENT – CHAPTER PHAR 6.06

The Board discussed the language of the proposed rules and whether or not the minimum equipment needs to be delineated. Cynthia Benning and William Black will work on alternative language.

SCHEDULE PUBLIC HEARINGS

The public hearings on the technician ratio rule and the consultation licensure requirements are scheduled for December 12, 2000. The public hearing on the transfer of prescription orders will be scheduled for January.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Dan Luce moved, seconded by Cynthia Benning, to approve the Distributor/Manufacturer's licenses for **Drugmax.com, Inc., PA; Excel, TN; Excel, PA; Excel, CA; Index Distribution Corp, TN; Physicians Formulary International, AZ and US Surgical (a division of Tyco Healthcare Group LP), CT.** Motion carried unanimously.

VARIANCE REQUESTS

LUTHER MIDELFORT, EAU CLAIRE

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant the variance request to Luther Midelfort, Eau Claire. Motion carried unanimously.

DEAN PHARMACY, MADISON

MOTION: Sue Sutter moved seconded by Cynthia Benning to grant the variance request to Dean Pharmacy, Madison. Motion carried unanimously.

WAL-MART PHARMACY SOFTWARE SYSTEM APPLICATION

This correspondence was informational.

PRACTICE QUESTIONS

MEMORIAL HOSPITAL OF IOWA COUNTY

The system described by Martin Heil, Pharmacy Director at Memorial Hospital of Iowa County, is an enhanced night cart, and is not an automated dispensing system.

PREVEA CLINIC PHARMACY, GREEN BAY

Tom Pagel, RPH, of the Prevea Clinic Pharmacy, wrote that the pharmacy will be closing in the near future. The department will send a closing packet to Mr. Pagel.

SNYDER DRUG, RICHLAND CENTER

Bruce Kaasa, RPH, of Snyder Drug, Richland Center, wrote and asked about electronically signed prescriptions. This issue was discussed.

STATE PRESCRIPTION MONITORING

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to have the Controlled Substances Board work towards legislation for state prescription monitoring. Motion carried unanimously.

NABP – SALE AND POSSESSION OF STERILE NEEDLES

This item was postponed until the next Board meeting.

NABP – 2000-2001 COMMITTEE AND TASK FORCE APPOINTMENTS

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve John Bohlman's appointment. Motion carried unanimously.

PHARMACY INSPECTIONS/SELF INSPECTIONS

Janie Brischke, DOE, spoke to the Board regarding this issue. The Board would like more time to consider this issue and would like to discuss this with Ms. Brischke at the next Board meeting.

REPORT OF PHARMACY INTERNSHIP BOARD

Cynthia Benning report the Pharmacy Internship Board (PIB) met on October 24, 2000. There are currently 373 preceptors, or about 10% of the state's pharmacists. Non-traditional internships and hours were discussed, and the PIB would also like to see the *Regulatory Digest* on the DRL website.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning attended the National Association of Controlled Substances Boards last week.

NABP REPORTING

NABP is forwarding information to the federal government as required.

NABP DISTRICT IV 2001 MEETING UPDATE

Dan Luce reported that the organizing committee continues to seek funding for top-notch speakers for the November 2001 NABP District IV Meeting. An account has not yet been set up to receive monies, but monies cannot be paid to the Department of Regulation and Licensing.

SPEAKING ENGAGEMENT REQUEST

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to approve Dan Luce to speak on January 21, 2001 at the Extension Services CE presentation on medication safety. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Dan Luce moved, seconded by Michael Bettiga, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, deliberation of a proposed decision, personal appearance of Charlene Willis regarding request reinstatement of stay of suspension, considering requests for a three month stay of suspension and modifications in board order, reviewing case status reports, discussion of exam issues and consulting with legal counsel. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – yes, Georgina Forbes - yes. Motion carried unanimously.

Open session recessed at 12:07 p.m.

RECONVENE IN OPEN SESSION

MOTION: Sue Sutter, seconded by Dan Luce, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 3:39 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATIONS

DOUGLAS A PINNOW, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Douglas A. Pinnow, RPH. Case advisor – Cynthia Benning. Motion carried unanimously.

JEFFREY C VERZAL, RPH

MOTION: Dan Luce moved, seconded by Georgina Forbes, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Jeffrey C. Verzal, RPH. Case advisor – Cynthia Benning. Motion carried unanimously.

PROPOSED DECISION

WALLACE L SIMONS, CAROL L PETERSEN AND WOMEN'S INTERNATIONAL PHARMACY, INC, MADISON

This matter was postponed until the next Board meeting as objections from respondents are due November 10, 2000.

PERSONAL APPEARANCE AND REQUEST FOR REINSTATEMENT OF
STAY OF SUSPENSION

CHARLENE WILLIS, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to deny a stay of suspension to Charlene Willis, RPH, as she is non-compliant with the Order. Ms. Willis must have eight (8) random, clean urine screens in one month, must continue to have eight (8) random screens every month and must show proof of CE hours before she may reapply for a stay of suspension. Motion carried unanimously.

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

CRAIG MOON, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Craig Moon, RPH. Dan Luce abstained. Motion carried.

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to deny the request for a reduction in urine screens and deny the request to have a witness mail the urine screens to the lab. The urine screens must be hand-delivered to the lab. Dan Luce abstained. Motion carried.

PHILIP DALLMAN, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Philip Dallman, RPH. Motion carried unanimously.

ROGER IVERSON, RPH

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to deny a stay of suspension to Roger Iverson, RPH, because he is not in compliance with his group therapy sessions as required in the Order. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to deny a stay of suspension to Michael O'Kray, RPH, because he is non-compliant with his screens and there is no letter from his therapist as required in the Order. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Cynthia Benning moved, seconded by Dan Luce, to grant a three-month stay of suspension and reduction in urine screens to six random screens per month and eight (8) hours as pharmacist in charge, with open or close, to Andrew Rice, RPH. Michael Bettiga abstained. Motion carried.

JOHN R SCHMITT, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to John R. Schmitt, RPH. Michael Bettiga abstained. Motion carried.

REQUEST FOR UNLIMITED LICENSE

KENNETH GOING, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant an unlimited license to Kenneth Going, RPH. Motion carried unanimously.

REQUEST FOR REINSTATEMENT OF LICENSE

ERIC SCHUSTER, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to deny the request for reinstatement of the license of Eric Schuster, RPH. Mr. Schuster has failed to submit proof satisfactory to the board that he has completed five years of practice of pharmacy in compliance with all terms and conditions of the Order dated May 14, 1996, and demonstrated that he may practice pharmacy without condition or limitation with skill and safety to patient and public. Motion carried unanimously.

REPORT SUBMITTED FROM PHARMACY CORP OF AMERICA

This report was submitted from Pharmacy Corp. of America as required in the Order.

CASE STATUS REPORT

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to close complaint **00 PHM 022** against the pharmacy for prosecutorial discretion. Case advisor – Cynthia Benning. Motion carried unanimously.

MOTION: Sue Sutter moved, seconded by Dan Luce, to close complaint **00 PHM 043** for prosecutorial discretion against both the pharmacy and the pharmacist. Case advisor – Michael Bettiga. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to close complaint **99 PHM 060** against the pharmacy for prosecutorial discretion. Case advisor- Sue Sutter. Dan Luce abstained. Motion carried.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to close complaint **99 PHM 060** against pharmacist T.W. for prosecutorial discretion. Case advisor- Sue Sutter. Dan Luce abstained. Motion carried.

EXAMINATION SCORES

MOTION: Dan Luce moved, seconded by Sue Sutter, to approve the examination scores as presented. Motion carried unanimously.

INFORMATIONAL ITEMS

These items were noted by the Board members.

ADJOURNMENT

MOTION: Dan Luce moved, seconded by Sue Sutter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:18 p.m.

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